

✓ 1           **54.54 Successor guardian.** (1) APPOINTMENT. ~~When~~ If a guardian dies, is  
2 removed by order of the court, or resigns and the resignation is accepted by the court,  
3 the court, on its own motion or upon petition of any interested person, may appoint  
4 a competent and suitable person as successor guardian. The court may, upon request  
5 of any interested person or on its own motion, direct that a petition for appointment  
6 of a successor guardian be heard in the same manner and subject to the same  
7 requirements as provided under this chapter for an original appointment of a  
8 guardian.

9           (2) NOTICE. If the appointment under sub. (1) is made without hearing, the  
10 successor guardian shall provide notice to the ward and all interested persons of the  
11 appointment, the right to counsel, and the right to petition for reconsideration of the  
12 successor guardian. The notice shall be served personally or by mail not later than  
13 10 days after the appointment.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.17; 1993 a. 486; 1995 a. 73.

**INSERT 72-20**

✓ 14           **SECTION 68.** 880.173 (1) of the statutes is renumbered 54.20 (2) (h) and  
15 amended to read:

✓ 16           54.20 (2) (h) ~~A guardian of the estate~~ If appointed under this chapter for a  
17 married ~~person may~~ ward, exercise with the approval of the court, except as limited  
18 under s. 880.37, any management and control right over the marital property or  
19 property other than marital property and any right in the business affairs ~~which~~ that  
20 the married ~~person~~ ward could exercise under ch. 766 if the ~~person were not~~  
21 ~~determined under s. 880.12 to be a proper subject for guardianship.~~ Under this  
22 ~~section, a guardian may~~ ward were not an individual found incompetent, consent to  
23 act together in or join in any transaction for which consent or joinder of both spouses  
24 is required, or ~~may execute~~ under s. 766.58 a marital property agreement with the

1 other ward's spouse or, if appointed for a ward who intends to marry, with the ward's  
2 intended spouse, but may not make, amend or revoke a will.

History: 1983 a. 186; 1985 a. 37.

**INSERT 78-2**

3 **SECTION 69.** 880.19 (6) of the statutes is repealed.

4 **SECTION 70.** 880.191 (title) of the statutes is repealed.

**INSERT 78-14**

5 **SECTION 71.** 880.191 (2) of the statutes is renumbered 54.60 (8) and amended  
6 to read:

7 54.60 (8) CITATION TO FILE INVENTORY AND TO ACCOUNT. If any guardian neglects  
8 to file the inventory or account when required by law, the ~~circuit judge~~ court shall call  
9 the guardian's attention of the guardian of the estate to the neglect. If the guardian  
10 still neglects of the estate continues to neglect his or her duty ~~in the premises~~, the  
11 court shall order the guardian of the estate to file the inventory, and the costs may  
12 be adjudged against the guardian of the estate.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.191; 1977 c. 449; 1993 a. 486.

**INSERT 78-15**

13 **SECTION 72.** 880.195 of the statutes is renumbered 54.625 and amended to  
14 read:

15 **54.625 Transfer of Menominees guardianship funds to trust of a**  
16 **Menominee.** The ~~circuit court which~~ that has appointed a guardian of the estate  
17 of any minor or individual found incompetent who is a legally enrolled member of the  
18 Menominee Indian tribe, as defined in s. 49.385, or a lawful distributee thereof, as  
19 defined in s. 54.850 (3), of the member may direct the guardian to transfer the assets  
20 in the guardian's possession of the minor or individual found incompetent ~~in the~~  
21 guardian's possession to the trustees of the trust created by the secretary of interior  
22 or his or her delegate ~~which~~ that receives property of the minors or incompetents

1 individuals found incompetent that is transferred from the United States or any  
2 agency thereof as provided by P.L. 83-399, as amended, and the assets shall  
3 thereafter be held, administered, and distributed in accordance with the terms and  
4 conditions of the trust.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.195; 1977 c. 449; 1995 a. 27.

**INSERT 84-16**

5 **SECTION 73.** 880.252 of the statutes is renumbered 54.62 (8) and amended to

6 read:

7 54.62 (8) ACCOUNTS; FAILURE OF A GUARDIAN TO FILE. If a guardian fails to file the  
8 guardian's account as required by law or ordered by the court, the court may, upon  
9 its own motion or upon the petition of any interested party ~~interested, issue an order~~  
10 ~~to the sheriff ordering, order~~ the guardian to show cause ~~before the court~~ why the  
11 guardian should not immediately make and file the guardian's reports or accounts.  
12 The court shall direct that a copy of the order be served on the guardian at least 20  
13 days before the date that the court has ordered the guardian to appear in court. If  
14 a guardian fails, neglects or refuses to make and file any report or account after  
15 having been cited by the court ~~so~~ to do so, or if the guardian fails to appear in court  
16 as directed by a citation issued ~~under direction and by authority of~~ the court, the  
17 court may, ~~upon~~ on its own motion or ~~upon~~ on the petition of any interested party,  
18 issue a warrant directed to the sheriff ordering that the guardian be brought before  
19 the court to show cause why the guardian should not be punished for contempt. If  
20 the court finds that the failure, refusal, or neglect is willful or inexcusable, the  
21 guardian may be fined not to exceed \$50 \$250 or imprisoned not to exceed 10 days  
22 or both.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.252; 1993 a. 486.

✓ 1           **SECTION 74.** 880.253 of the statutes is renumbered 54.62 (9) and amended to  
2 read:

✓ 3           54.62 (9) ~~FORMAL ACCOUNTING~~ ACCOUNTING BY GUARDIANS AT ANY TIME. The judge  
4 court may at any time require an accounting by any guardian at a hearing, after  
5 providing notice to all interested persons, including sureties on the bond of a  
6 guardian. ~~The sureties on a bond of a guardian may once in every 3-year period~~  
7 ~~petition the court for such a hearing.~~

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.253.

**INSERT 85-16**

✓ 8           **SECTION 75.** 880.26 (2) (b) of the statutes is renumbered 54.64 (4) (d) and  
9 amended to read:

✓ 10          54.64 (4) (d) A minor ward lawfully whose guardianship was not ordered on the  
11 grounds of incompetency marries and the court approves the termination.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.26; 1973 c. 284; 1983 a. 217; 1989 a. 307; 1993 a. 486; 1999 a. 85.

**INSERT 87-20**

✓ 12          **SECTION 76.** 880.29 of the statutes is renumbered 54.64 (6) and amended to  
13 read:

✓ 14          54.64 (6) ~~DELIVERY OF PROPERTY TO FOREIGN GUARDIAN~~ IN ANOTHER STATE. When  
15 property of a nonresident ward is in the possession of or due from a guardian or  
16 personal representative appointed in this state, the appointing court may order such  
17 the property delivered to the foreign guardian upon filing appointed in the state of  
18 the nonresident ward after a verified petition, accompanied by a copy of his or her  
19 the nonresident guardian's appointment and bond, authenticated so as to be  
20 admissible in evidence, is filed with the court and ~~upon~~ after 10 days' notice is  
21 provided to the resident guardian or personal representative. Such ~~The~~ petition  
22 shall be denied if granting it ~~shall appear~~ appears to be against the interests of the

ward. The Any receipt of obtained from the foreign nonresident guardian for the property so delivered shall be taken and filed with the other papers in the proceeding, and a certified copy thereof of the receipt shall be sent to the court which that appointed such the nonresident guardian.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.29; 1975 c. 200.

SECTION 77. 880.295 of the statutes is repealed.

### INSERT 90-3

SECTION 78. 880.32 of the statutes is renumbered 45.55 and amended to read:

**45.55 Notes and mortgages of minor veterans.** Notwithstanding any provision of this chapter or any other law to the contrary, any minor who served in the active armed forces of the United States at any time after August 27, 1940, and the husband or wife of such a minor may execute, in his or her own right, notes or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured by the U.S. department of veterans affairs or the federal housing administrator under the servicemen's readjustment act of 1944 ~~or, the national housing act~~ <sup>plain</sup> ~~or any~~ <sup>more</sup> ~~acts supplementary thereto or amendatory thereof supplementing or amending these acts.~~ In connection with such these transactions, such the minors may sell, release or convey such the mortgaged property and litigate or settle controversies arising therefrom, including the execution of releases, deeds, and other necessary papers or instruments. Such The notes, mortgages, releases, deeds and other necessary papers or instruments when so executed shall are not be subject to avoidance by such the minor or the husband or wife of such the minor upon either or both of them attaining the age of 18 because of the minority of either or both of them at the time of the execution thereof.

History: 1971 c. 41 s. 8; 1971 c. 228 s. 36; Stats. 1971 s. 880.32; 1989 a. 56; 1997 a. 188.

SECTION 79. 880.33 (title) of the statutes is repealed.

✓ **INSERT 92-21**

1           **SECTION 80.** 880.33 (2) (b) of the statutes is renumbered 54.42 (3) and amended  
2 to read:     Right to Independent Examination  
3           54.42 (3) ✓ If requested by the proposed ward, ward, or anyone on the proposed  
4 ward's or ward's behalf, the proposed ward or ward has the right at his or her own  
5 expense, or if indigent at the expense of the county where the petition is filed heard  
6 on the merits, to secure an independent medical or psychological examination  
7 relevant to the issue involved in any hearing under this chapter, and to present a  
8 report of this independent evaluation or the evaluator's personal testimony as  
9 evidence at the hearing.

**History:** 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

✓ **INSERT 93-5**

10           **SECTION 81.** 880.33 (3) of the statutes is repealed.

11           **SECTION 82.** 880.33 (4) ✓ of the statutes is repealed.

**INSERT 94-10**

✓ 12           **SECTION 83.** 880.33 (6) of the statutes is renumbered 54.75 and amended to  
13 read:             Access to Court records.  
✓ 14           54.75 ✓ All court records pertinent to the finding of incompetency are closed but  
15 subject to access as provided in s. ~~55.06 (17)~~ 51.30 (5). The fact that a person has been  
16 found incompetent is accessible to any person who demonstrates to the custodian of  
17 the records a need for that information.

**History:** 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

**INSERT 94-17**

18           **SECTION 84.** 880.33 (8) (intro.) ✓ of the statutes is repealed.

19           **SECTION 85.** 880.33 (8) (a) ✓ of the statutes is repealed.

**INSERT 95-3**

**SECTION 86.** 880.33 (9) of the statutes is renumbered 54.25 (2) (c) 1. g. and amended to read:

54.25 (2) (c) 1. g. ~~All the rights and privileges afforded a proposed incompetent under this section shall be given to any person who is alleged to be ineligible to register to vote or to vote in an election by reason that such person is incapable of understanding the objective of the elective process. The determination of the court shall be limited to a finding that the elector is either eligible or ineligible. The right to register to vote or to vote in an election by reason that the person is or is not capable, if the court finds that the individual is incapable of understanding the objective of the elective process. Also, in accordance with s. 6.03 (3), any elector of a municipality may petition the circuit court for a determination that an individual residing in the municipality is incapable of understanding the objective of the elective process and thereby ineligible to register to vote or to vote in an election. This determination shall be made by the court in accordance with the procedures specified in this paragraph. If a petition is filed under this subdivision unit, the finding of the court shall be limited to a determination as to voting eligibility. The appointment of a guardian is not required for an individual whose sole limitation is ineligibility to vote. The determination of the court shall be communicated in writing by the clerk of court to the election official or agency charged under s. 6.48, 6.92, 6.925, or 6.93 with the responsibility for determining challenges to registration and voting which that may be directed against that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5) 54.64 (2) and any subsequent determination of the court shall be likewise communicated by the clerk of court.~~

**History:** 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

**INSERT 95-15**

✓ 1 ~~No~~ to expand an order of guardianship under s. 54.63, to review incompetency and  
2 terminate a guardianship under s. 54.64, to review the conduct of a guardian under  
3 s. 54.68,

**INSERT 99-1**

✓ 4 **SECTION 87.** 880.331 (5) (intro.) of the statutes is renumbered 55.195 (intro.)  
5 and amended to read:

✓ 6 **55.195 Duties in of guardian ad litem for reviews.** (intro.) In any review  
7 of a protective placement under s. 55.06 or of a protective ~~service~~ services order under  
8 s. 55.05, except as provided in s. 55.19 (2), the guardian ad litem shall do all of the  
9 following:

✓ 10 **SECTION 88.** 880.331 (5) (a) of the statutes is renumbered 55.195 (1) and  
11 amended to read:

12 55.195 (1) Interview the ward to explain the review procedure, the right to an  
13 independent evaluation, the right to counsel, and the right to a hearing.

✓ 14 **SECTION 89.** 880.331 (5) (b) of the statutes is renumbered 55.195 (2) and  
15 amended to read:

16 55.195 (2) Provide the information under par. ~~(a)~~ sub. (1) to the ward in writing.

✓ 17 **SECTION 90.** 880.331 (5) (c) of the statutes is renumbered 55.195 (3) and  
18 amended to read:

19 55.195 (3) Secure Request that the court order an additional medical,  
20 psychological, or other evaluation of the ward, if necessary.

✓ 21 **SECTION 91.** 880.331 (5) (d) of the statutes is renumbered 55.195 (4).

22 (4) Review the annual report and relevant reports on the ward's condition and  
23 placement.



✓ 1           **SECTION 92.** 880.331 (5) (e) of the statutes is renumbered 55.195 (5) and  
2 amended to read:

3           55.195 (5) Review the ward's condition, placement, and rights with the  
4 guardian.

✓ 5           **SECTION 93.** 880.331 (5) (f) of the statutes is renumbered 55.195 (6) and  
6 amended to read:

7           55.195 (6) If relevant, report to the court that the ward objects to the finding  
8 of continuing incompetency, the present or proposed placement, the position of the  
9 guardian, or the recommendation of the guardian ad litem as to the best interests of  
10 the ward or if there is ambiguity about the ward's position on these matters.

✓ 11           **SECTION 94.** 880.331 (5) (g) of the statutes is renumbered 55.195 (8).

**INSERT 101-1**

✓ 12           **SECTION 95.** 880.34 (2) of the statutes is renumbered 54.64 (2) (d) and amended  
13 to read:

✓ 14           54.64 (2) (d) The court shall review and may terminate the guardianship of the  
15 person of an individual found incompetent upon marriage to any person who is not  
16 subject to a guardianship.

History: 1973 c. 284; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

✓ 17           **SECTION 96.** 880.34 (3) of the statutes is repealed.

**INSERT 101-5**

✓ 18 ~~no it~~ , to have the guardian discharged and a new guardian appointed, or to have the  
19 guardianship limited and specific rights restored. The petition may be filed

**INSERT 103-11**

20           **SECTION 97.** 880.37 of the statutes is repealed.

**INSERT 104-20A**

**SECTION 98.** Subchapter II (title) of chapter 880 [precedes 880.60] of the statutes is repealed.

**SECTION 99.** 880.60 of the statutes is renumbered 54.852, and 54.852 (1) (d) and (g), (10) (a) and (12), as renumbered, are amended to read:

54.852 (1) (d) "Guardian Notwithstanding s. 54.01 (10), "guardian" means any fiduciary for the person or estate of a ward.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.60; 1973 c. 284; 1973 c. 333 s. 201m; 1979 c. 89; 1983 a. 189; 1989 a. 56; 1993 a. 486; 1999 a. 63, 85.

(g) "Ward Notwithstanding s. 54.01 (37), "ward" means a beneficiary of an individual who receives benefits from the U.S. department of veterans affairs.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.60; 1973 c. 284; 1973 c. 333 s. 201m; 1979 c. 89; 1983 a. 189; 1989 a. 56; 1993 a. 486; 1999 a. 63, 85.

(10) (a) Every guardian shall file his or her accounts as required by this chapter and shall be excused from filing accounts in the case as provided by s. 880.25 (3) 54.66 (2).

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.60; 1973 c. 284; 1973 c. 333 s. 201m; 1979 c. 89; 1983 a. 189; 1989 a. 56; 1993 a. 486; 1999 a. 63, 85.

(12) **COMPENSATION OF GUARDIANS.** Guardians shall be compensated as provided in s. 880.24 (1) 54.72.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.60; 1973 c. 284; 1973 c. 333 s. 201m; 1979 c. 89; 1983 a. 189; 1989 a. 56; 1993 a. 486; 1999 a. 63, 85.

**SECTION 100.** Subchapter III (title) of chapter 880 [precedes 880.61] of the statutes is repealed.

**SECTION 101.** 880.61 of the statutes is renumbered 54.854, and 54.854 (title), (intro.), (3) to (6), (10), (11), (13) and (14), as renumbered, are amended to read:

**54.854 Definitions Uniform transfers to minors act; definitions.** (intro.)  
In ss. 880.61 to 880.72 54.854 to 54.898:

(3) "Conservator Notwithstanding s. 54.01 (3), "conservator" means a person appointed or qualified by a court to act as general, limited or temporary guardian of a minor's property or a person legally authorized to perform substantially the same functions.

(4) "Court" Notwithstanding s. 54.01 (4), "court" means the circuit court.

(5) "Custodial property" means any interest in property transferred to a custodian under ss. ~~880.61 to 880.72~~ 54.854 to 54.898 and the income from and proceeds of that interest in property.

(6) "Custodian" means a person so designated under s. ~~880.65~~ 54.870 or a successor or substitute custodian designated under s. ~~880.695~~ 54.888.

(10) "Minor" Notwithstanding s. 54.01 (20), "minor" means an individual who has not attained the age of 21 years.

(11) "~~Personal representative~~" Notwithstanding s. 54.01 (23), "personal representative" means an executor, administrator, successor personal representative or special administrator of a decedent's estate or a person legally authorized to perform substantially the same functions.

(13) "Transfer" means a transaction that creates custodial property under s. ~~880.65~~ 54.870.

(14) "Transferor" means a person who makes a transfer under ss. ~~880.61 to 880.72~~ 54.854 to 54.898.

History: 1987 a. 191; 1991 a. 221.

**SECTION 102.** 880.615 of the statutes is renumbered ~~54.856~~ and 54.856 (1) and (2), as renumbered, are amended to read:

<sup>no 15</sup>  
**54.856** (1) Sections ~~880.61 to 880.72~~ 54.854 to 54.898 apply to a transfer that refers to ss. ~~880.61 to 880.72~~ 54.854 to 54.898 in the designation under s. ~~880.65~~ 54.870 (1) by which the transfer is made if at the time of the transfer the transferor, the minor or the custodian is a resident of this state or the custodial property is located in this state. The custodianship so created remains subject to ss. ~~880.61 to~~

1 880.72 <sup>✓</sup>54.854 <sup>✓</sup>to <sup>✓</sup>54.898 despite a subsequent change in residence of a transferor, the  
2 minor or the custodian, or the removal of custodial property from this state.

3 (2) A person designated as custodian under s. ~~880.65~~ <sup>✓</sup>to ~~880.695~~ <sup>✓</sup> <sup>✓</sup>54.870 to  
4 <sup>✓</sup>54.888 is subject to personal jurisdiction in this state with respect to any matter  
5 relating to the custodianship.

6 History: 1987 a. 191.

6 **SECTION 103.** 880.62 of the statutes is renumbered 54.858, and 54.858 (2) and  
7 (3), as renumbered, are amended to read:

8 54.858 (2) A custodian nominated under this section must be a person to whom  
9 a transfer of property of that kind may be made under s. ~~880.65~~ <sup>✓</sup>54.870 <sup>✓</sup>(1).

10 (3) The nomination of a custodian under this section does not create custodial  
11 property until the nominating instrument becomes irrevocable or a transfer to the  
12 nominated custodian is completed under s. ~~880.65~~ <sup>✓</sup>54.870 <sup>✓</sup>. Unless the nomination  
13 of a custodian has been revoked, upon the occurrence of the future event the  
14 custodianship becomes effective and the custodian shall enforce a transfer of the  
15 custodial property under s. ~~880.65~~ <sup>✓</sup>54.870 <sup>✓</sup>.

16 History: 1987 a. 191.

16 **SECTION 104.** 880.625 of the statutes is renumbered 54.860 and amended to  
17 read:

18 **54.860 Transfer by gift or exercise of power of appointment.** A person  
19 may make a transfer by irrevocable gift to, or the irrevocable exercise of a power of  
20 appointment in favor of, a custodian for the benefit of a minor under s. ~~880.65~~ <sup>✓</sup>54.870 <sup>✓</sup>.

21 History: 1987 a. 191.

21 **SECTION 105.** 880.63 of the statutes is renumbered 54.862 and amended to  
22 read:

**54.862 Transfer authorized by will or trust.** (1) A personal representative or trustee may make an irrevocable transfer under s. 880.65 54.870 to a custodian for the benefit of a minor as authorized in the governing will or trust.

(2) If the testator or settlor has nominated a custodian under s. 880.62 54.858 to receive the custodial property, the transfer must be made to that person.

(3) If the testator or settlor has not nominated a custodian under s. 880.62 54.858, or all persons so nominated as custodian die before the transfer or are unable, decline or are ineligible to serve, the personal representative or the trustee, as the case may be, shall designate the custodian from among those eligible to serve as custodian for property of that kind under s. 880.65 54.870 (1).

History: 1987 a. 191.

**SECTION 106.** 880.635 of the statutes is renumbered 54.864 and 54.864 (1) and (2), as renumbered, are amended to read:

**54.864 (1)** Subject to sub. (3), a personal representative or trustee may make an irrevocable transfer to another adult or trust company as custodian for the benefit of a minor under s. 880.65 54.870 in the absence of a will or under a will or trust that does not contain an authorization to do so.

(2) Subject to sub. (3), a conservator may make an irrevocable transfer to another adult or trust company as custodian for the benefit of the minor under s. 880.65 54.870.

History: 1987 a. 191.

**SECTION 107.** 880.64 of the statutes is renumbered 54.866 and amended to read:

**54.866 Transfer by obligor.** (1) Subject to subs. (2) and (3), a person not subject to s. 880.63 or 880.635 54.862 or 54.864 who holds property of or owes a

liquidated debt to a minor not having a conservator may make an irrevocable transfer to a custodian for the benefit of the minor under s. 880.65 54.870.

(2) If a person having the right to do so under s. 880.62 54.858 has nominated a custodian under that section to receive the custodial property, the transfer must be made to that person.

(3) If no custodian has been nominated under s. 880.62 54.858, or all persons so nominated as custodian die before the transfer or are unable, decline or are ineligible to serve, a transfer under this section may be made to an adult member of the minor's family or to a trust company unless the property exceeds \$10,000 in value.

History: 1987 a. 191.

**SECTION 108.** 880.645 of the statutes is renumbered 54.868 and amended to read:

**54.868 Receipt for custodial property.** A written acknowledgment of delivery by a custodian constitutes a sufficient receipt and discharge for custodial property transferred to the custodian under ss. 880.61 to 880.72 54.854 to 54.898.

History: 1987 a. 191.

**SECTION 109.** 880.65 of the statutes is renumbered 54.870.

**SECTION 110.** 880.655 of the statutes is renumbered 54.872 and amended to read:

**54.872 Single custodianship.** A transfer may be made only for one minor, and only one person may be the custodian. All custodial property held under ss. 880.61 to 880.72 54.854 to 54.898 by the same custodian for the benefit of the same minor constitutes a single custodianship.

History: 1987 a. 191.

**SECTION 111.** 880.66 of the statutes is renumbered 54.874 and amended to read:

1           **54.874 Validity and effect of transfer.** (1) The validity of a transfer made  
2 in a manner prescribed in ss. ~~880.61 to 880.72~~ <sup>✓</sup>54.854 to 54.898 is not affected by:

3           (a) Failure of the transferor to comply with s. ~~880.65~~ <sup>✓</sup>54.870 (3) concerning  
4 possession and control;

5           (b) Designation of an ineligible custodian, except designation of the transferor  
6 in the case of property for which the transferor is ineligible to serve as custodian  
7 under s. ~~880.65~~ <sup>✓</sup>54.870 (1); or

8           (c) Death or incapacity of a person nominated under s. ~~880.62~~ <sup>✓</sup>54.858 or  
9 designated under s. ~~880.65~~ <sup>✓</sup>54.870 as custodian or the disclaimer of the office by that  
10 person.

11           (2) A transfer made under s. ~~880.65~~ <sup>✓</sup>54.870 is irrevocable, and the custodial  
12 property is indefeasibly vested in the minor, but the custodian has all the rights,  
13 powers, duties and authority provided in ss. ~~880.61 to 880.72~~ <sup>✓</sup>54.854 to 54.898, and  
14 neither the minor nor the minor's legal representative has any right, power, duty or  
15 authority with respect to the custodial property except as provided in ss. ~~880.61 to~~ <sup>✓</sup>  
16 <sup>✓</sup>~~880.72~~ <sup>✓</sup>54.854 to 54.898.

17           (3) By making a transfer, the transferor incorporates in the disposition all of  
18 the provisions of ss. ~~880.61 to 880.72~~ <sup>✓</sup>54.854 to 54.898 and grants to the custodian,  
19 and to any 3rd person dealing with a person designated as custodian, the respective  
20 powers, rights and immunities provided in ss. ~~880.61 to 880.72~~ <sup>✓</sup>54.854 to 54.898.

History: 1987 a. 191.

21           **SECTION 112.** ~~880.665~~ <sup>✓</sup> of the statutes is renumbered 54.876.

22           **SECTION 113.** ~~880.67~~ of the statutes is renumbered 54.878, and 54.878 (2), as  
23 renumbered, is amended to read:

54.878 (2) This section does not relieve a custodian from liability for breach  
of s. ~~880.665~~ 54.876.

History: 1987 a. 191.

**SECTION 114.** 880.675 of the statutes is renumbered 54.880.

**SECTION 115.** 880.68 of the statutes is renumbered 54.882, and 54.882 (2) and  
(3), as renumbered, are amended to read:

54.882 (2) Except for a person who is a transferor under s. ~~880.625~~ 54.860, a  
custodian has a noncumulative election during each calendar year to charge  
reasonable compensation for services performed during that year.

(3) Except as provided in s. ~~880.695~~ 54.888 (6), a custodian need not give a bond.

History: 1987 a. 191.

**SECTION 116.** 880.685 of the statutes is renumbered 54.884, and 54.884 (2) and  
(3), as renumbered, are amended to read:

54.884 (2) The propriety of, or the authority under ss. ~~880.61 to 880.72~~ 54.854  
to 54.898 for, any act of the purported custodian.

(3) The validity or propriety under ss. ~~880.61 to 880.72~~ 54.854 to 54.898 of any  
instrument or instructions executed or given either by the person purporting to make  
a transfer or by the purported custodian.

History: 1987 a. 191.

**SECTION 117.** 880.69 of the statutes is renumbered 54.886.

**SECTION 118.** 880.695 of the statutes is renumbered 54.888, and 54.888 (1), (2)  
and (6), as renumbered are amended to read:

54.888 (1) A person nominated under s. ~~880.62~~ 54.858 or designated under s.  
~~880.65~~ 54.870 as custodian may decline to serve by delivering a valid disclaimer  
under s. 854.13 to the person who made the nomination or to the transferor or the  
transferor's legal representative. If the event giving rise to a transfer has not  
occurred and no substitute custodian able, willing and eligible to serve was



1 nominated under s. 880.62 <sup>✓</sup>54.858, the person who made the nomination may  
2 nominate a substitute custodian under s. 880.62 <sup>✓</sup>54.858; otherwise the transferor or  
3 the transferor's legal representative shall designate a substitute custodian at the  
4 time of the transfer, in either case from among the persons eligible to serve as  
5 custodian for that kind of property under s. 880.65 <sup>✓</sup>54.870 (1). The custodian so  
6 designated has the rights of a successor custodian.

7 (2) A custodian at any time may designate a trust company or an adult other  
8 than a transferor under s. 880.625 <sup>✓</sup>54.860 as successor custodian by executing and  
9 dating an instrument of designation before a subscribing witness other than the  
10 successor. If the instrument of designation does not contain or is not accompanied  
11 by the resignation of the custodian, the designation of the successor does not take  
12 effect until the custodian resigns, dies, becomes incapacitated or is removed.

13 (6) A transferor, the legal representative of a transferor, an adult member of  
14 the minor's family, a guardian of the person of the minor, the conservator of the minor  
15 or the minor if the minor has attained the age of 14 years may petition the court to  
16 remove the custodian for cause and to designate a successor custodian other than a  
17 transferor under s. 880.625 <sup>✓</sup>54.860 or to require the custodian to give appropriate  
18 bond.

History: 1987 a. 191; 1997 a. 188.

19 **SECTION 119.** 880.70 of the statutes is renumbered 54.890, and 54.890 (1) (b),

20 (3) and (4), as renumbered, are amended to read:

21 (21) 54.890 (1) <sup>✓</sup>(b) For a determination of responsibility, as between the custodial  
22 property and the custodian personally, for claims against the custodial property  
23 unless the responsibility has been adjudicated in an action under s. 880.69 <sup>✓</sup>54.886  
24 to which the minor or the minor's legal representative was a party.

(3) The court, in a proceeding under ss. ~~880.61 to 880.72~~ 54.854 to 54.898 or in any other proceeding, may require or permit the custodian or the custodian's legal representative to account.

(4) If a custodian is removed under s. ~~880.695~~ 54.888 (6), the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.

History: 1987 a. 191.

**SECTION 120.** 880.705 of the statutes is renumbered 54.892, and 54.892 (1) and (2), as renumbered, are amended to read:

54.892 (1) The minor's attainment of 21 years of age with respect to custodial property transferred under s. ~~880.625 or 880.63~~ 54.860 or 54.862;

(2) The minor's attainment of 18 years of age with respect to custodial property transferred under s. ~~880.635 or 880.64~~ 54.864 or 54.866; or

History: 1987 a. 191.

**SECTION 121.** 880.71 of the statutes is renumbered 54.894, and 54.894 (intro.) and (2), as renumbered, are amended to read:

54.894 (intro.) **Applicability.** Sections ~~880.61 to 880.72~~ 54.854 to 54.898 apply to a transfer within the scope of s. ~~880.615~~ 54.856 made after April 8, 1988, if:

(2) The instrument by which the transfer purports to have been made uses in substance the designation "as custodian under the Uniform Gifts to Minors Act" or "as custodian under the Uniform Transfers to Minors Act" of any other state, and the application of ss. ~~880.61 to 880.72~~ 54.854 to 54.898 is necessary to validate the transfer.

History: 1987 a. 191.

**SECTION 122.** 880.715 of the statutes is renumbered 54.896 and amended to read:

1           **54.896 Effect on existing custodianships.** (1) Any transfer of custodial  
2 property as defined in ss. ~~880.61 to 880.72~~ 54.854 to 54.898 made before April 8, 1988,  
3 is validated notwithstanding that there was no specific authority in ss. 880.61 to  
4 880.71, 1985 stats., for the coverage of custodial property of that kind or for a transfer  
5 from that source at the time the transfer was made.

6           (2) Sections ~~880.61 to 880.72~~ 54.854 to 54.898 apply to all transfers made before  
7 April 8, 1988, in a manner and form prescribed in ss. 880.61 to 880.71, 1985 stats.,  
8 except insofar as the application impairs constitutionally vested rights or extends  
9 the duration of custodianships in existence on April 8, 1988.

10           (3) Sections ~~880.61 to 880.705~~ 54.854 to 54.892 with respect to the age of a  
11 minor for whom custodial property is held under ss. ~~880.61 to 880.72~~ 54.854 to 54.898  
12 do not apply to custodial property held in a custodianship that terminated because  
13 of the minor's attainment of the age of 18 after March 23, 1972 and before April 8,  
14 1988.

15           (4) To the extent that ss. ~~880.61 to 880.72~~ 54.854 to 54.898, by virtue of sub.  
16 (2), do not apply to transfers made in a manner prescribed in ss. 880.61 to 880.71,  
17 1985 stats., or to the powers, duties and immunities conferred by transfers in that  
18 manner upon custodians and persons dealing with custodians, the repeal of ss.  
19 880.61 to 880.71, 1985 stats., does not affect those transfers, powers, duties and  
20 immunities.

History: 1987 a. 191.

21           **SECTION 123.** 880.72 of the statutes is renumbered 54.898 and amended to  
22 read:

23           **54.898 Uniformity of application and construction.** Sections ~~880.61 to~~  
24 ~~880.72~~ 54.854 to 54.898 shall be applied and construed to effectuate their general

purpose to make uniform the law with respect to the subject of ss. ~~880.61 to 880.72~~  
54.854 to 54.898 among states enacting it.

History: 1987 a. 191.

**SECTION 124.** Subchapter IV (title) of chapter 880 [precedes 880.75] of the statutes is repealed.

**SECTION 125.** 880.75 of the statutes is renumbered 54.92.

**SECTION 126.** 880.76 of the statutes is renumbered 54.93, and 54.93 (1), (2) and (3), as renumbered, are amended to read:

**54.93 (1) DEFINITIONS.** All definitions in s. ~~880.75~~ 54.92 (1) (a) to (e) and (g) shall apply in this section, unless the context otherwise requires. "Third party" is a person other than a bank, broker, transfer agent or issuer who with respect to a security held by an incompetent or spendthrift effects a transaction otherwise than directly with the incompetent or spendthrift.

**(2) SECURITY TRANSACTIONS INVOLVING INCOMPETENT OR SPENDTHRIFT; LIABILITY.**

A bank, broker, issuer, <sup>(2)</sup> ~~third party~~ or transfer agent incurs no liability by reason of his or her treating an incompetent or spendthrift as having capacity to transfer a security, to receive or to empower others to receive dividends, interest, principal, or other payments or distributions, to vote or give consent in person or by proxy, or to make elections or exercise rights relating to the security, unless prior to acting in the transaction the bank, broker, issuer, <sup>(2)</sup> ~~third party~~ or transfer agent had received written notice in the office acting in the transaction that the specific security is held by a person who has been adjudicated an incompetent or a spendthrift or unless an individual conducting the transaction for the bank, broker, issuer, <sup>(2)</sup> ~~third party~~ or transfer agent had actual knowledge that the holder of the security is a person who has been adjudicated an incompetent or a spendthrift, or actual knowledge of filing

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of lis pendens as provided in s. ~~880.215~~ 54.47. Except as otherwise provided in this section, such a bank, broker, issuer, ~~third~~ party or transfer agent may assume without inquiry that the holder of a security is not an incompetent or spendthrift.

(3) ACTS NOT SUBJECT TO DISAFFIRMANCE OR AVOIDANCE. An incompetent or spendthrift, who has transferred a security, received or empowered others to receive dividends, interest, principal, or other payments or distributions, voted or given consent in person or by proxy, or made an election or exercised rights relating to the security, has no right thereafter, as against a bank, broker, issuer, ~~third~~ party or transfer agent to disaffirm or avoid the transaction, unless prior to acting in the transaction the bank, broker, issuer, ~~third~~ party or transfer agent against whom the transaction is sought to be disaffirmed or avoided had received notice in the office acting in the transaction that the specific security is held by a person who has been adjudicated an incompetent or a spendthrift or unless an individual conducting the transaction for the bank, broker, issuer, ~~third~~ party or transfer agent had actual knowledge that the holder is a person who has been adjudicated an incompetent or a spendthrift, or actual knowledge of filing of lis pendens as provided in s. ~~880.215~~ 54.47.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.76; 1993 a. 486; 1999 a. 185.

**SECTION 127.** Subchapter V (title) of chapter 880 [precedes 880.81] of the statutes is repealed.

**SECTION 128.** 880.81 of the statutes is renumbered 54.950, and 54.950 (3), (4), (7) and (12), as renumbered, are amended to read:

54.950 (3) "Conservator" Notwithstanding s. 54.01 (3), "conservator" means a person appointed or qualified by a court by voluntary proceedings to manage the

1 estate of an individual, or a person legally authorized to perform substantially the  
2 same functions.

3 (4) ~~"Court"~~ <sup>✓</sup> Notwithstanding s. 54.01 (4), "court" means the circuit court of this  
4 state.

5 (7) ~~"Guardian"~~ <sup>✓</sup> Notwithstanding s. 54.01 (10), "guardian" means a person  
6 appointed or qualified by a court as a guardian of the person or estate, or both, of an  
7 individual, including a limited guardian with limited powers, but not a person who  
8 is only a guardian ad litem.

9 (12) ~~"Personal representative"~~ <sup>✓</sup> Notwithstanding s. 54.01 (23), "personal  
10 representative" means an executor, administrator or special administrator of a  
11 decedent's estate, a person legally authorized to perform substantially the same  
12 functions or a successor to any of them.

History: 1991 a. 246.

13 **SECTION 129.** 880.815 of the statutes is renumbered 54.952, and 54.952 (8), as  
14 renumbered, is amended to read:

15 (8) ~~This subchapter does~~ <sup>✓</sup> Sections 54.950 to 54.988 <sup>✓</sup> do not displace or  
16 restrict other means of creating trusts. A trust whose terms do not conform to this  
17 subchapter may be enforceable according to its terms under other law.

History: 1991 a. 246.

18 **SECTION 130.** 880.82 of the statutes is renumbered 54.954.

19 **SECTION 131.** 880.825 of the statutes is renumbered 54.956.

20 **SECTION 132.** 880.83 of the statutes is renumbered 54.958, and 54.958 (1), as  
21 renumbered, is amended to read:

22 54.958 (1) Unless otherwise directed by an instrument designating a custodial  
23 trustee pursuant to s. 880.82 <sup>✓</sup> 54.954, <sup>✓</sup> a person, including a fiduciary other than a  
24 custodial trustee, who holds property of or owes a debt to an incapacitated individual

not having a conservator or guardian of the estate may make a transfer to an adult member of the beneficiary's family or to a trust company as custodial trustee for the use and benefit of the incapacitated individual. If the value of the property or the debt exceeds \$10,000, the transfer is not effective unless authorized by the court.

History: 1991 a. 246.

**SECTION 133.** 880.835 of the statutes is renumbered 54.960, and 54.960 (3), as renumbered, is amended to read:

54.960 (3) A custodial trustee of custodial trust property held for more than one beneficiary shall separately account to each beneficiary pursuant to ss. 880.84 and 880.88 54.962 and 54.978 for the administration of the custodial trust.

History: 1991 a. 246.

**SECTION 134.** 880.84 of the statutes is renumbered 54.962.

**SECTION 135.** 880.845 of the statutes is renumbered 54.964, and 54.964 (2), as renumbered, is amended to read:

54.964 (2) This section does not relieve a custodial trustee from liability for a violation of s. 880.84 54.962.

History: 1991 a. 246.

**SECTION 136.** 880.85 of the statutes is renumbered 54.966.

**SECTION 137.** 880.855 of the statutes is renumbered 54.968, and 54.968 (1) (a), as renumbered, is amended to read:

54.968 (1) (a) The custodial trust was created under s. 880.83 54.958.

History: 1991 a. 246.

**SECTION 138.** 880.86 of the statutes is renumbered 54.970.

**SECTION 139.** 880.865 of the statutes is renumbered 54.972.

**SECTION 140.** 880.87 of the statutes is renumbered 54.974, and 54.974 (1) and (3), as renumbered, are amended to read:

54.974 (1) Before accepting the custodial trust property, a person designated as custodial trustee may decline to serve by notifying the person who made the designation, the transferor or the transferor's legal representative. If an event giving rise to a transfer has not occurred, the substitute custodial trustee designated under s. 880.82 54.954 becomes the custodial trustee, or, if a substitute custodial trustee has not been designated, the person who made the designation may designate a substitute custodial trustee pursuant to s. 880.82 54.954. In other cases, the transferor or the transferor's legal representative may designate a substitute custodial trustee.

(3) If a custodial trustee or successor custodial trustee is ineligible, resigns, dies or becomes incapacitated, the successor designated under s. 880.815 ~~(7)~~ or 880.82 54.952 (7) or 54.954 becomes custodial trustee. If there is no effective provision for a successor, the beneficiary, if not incapacitated, may designate a successor custodial trustee. If the beneficiary is incapacitated or fails to act within 90 days after the ineligibility, resignation, death or incapacity of the custodial trustee, the beneficiary's conservator or guardian of the estate becomes successor custodial trustee. If the beneficiary does not have a conservator or a guardian of the estate, or the conservator or guardian of the estate fails to act, the resigning custodial trustee may designate a successor custodial trustee.

History: 1991 a. 246.

~~X~~  
**SECTION 141.** 880.875 of the statutes is renumbered 54.976.

~~X~~  
**SECTION 142.** 880.83 of the statutes is renumbered 54.978.

~~X~~  
**SECTION 143.** 880.885 of the statutes is renumbered 54.980.

**SECTION 144.** 880.89 of the statutes is renumbered 54.982, and 54.982 (2) (b), as renumbered, is amended to read:



1 54.982 ~~(2)~~ <sup>(b)</sup> To the survivor of multiple beneficiaries if survivorship is  
2 provided for pursuant to s. 880.835 <sup>✓</sup> ~~54.960~~. <sup>✓</sup>

History: 1991 a. 246.

3 **SECTION 145.** 880.895 of the statutes is renumbered 54.984, and 54.984 (1)  
4 (intro.), as renumbered, is amended to read:

5 54.984 ~~(1)~~ <sup>(intro.)</sup> If a transaction, including a declaration with respect to or  
6 a transfer of specific property, otherwise satisfies applicable law, the criteria of s.  
7 ~~880.815~~ <sup>✓</sup> ~~54.952~~ <sup>✓</sup> are satisfied by any of the following:

History: 1991 a. 246.

8 **SECTION 146.** 880.90 of the statutes is renumbered 54.986, and 54.986 (1), as  
9 renumbered, is amended to read:

10 54.986 ~~(1)~~ <sup>(1)</sup> ~~This subchapter applies~~ Sections 54.950 to 54.988 <sup>✓</sup> apply to a  
11 transfer or declaration creating a custodial trust that refers to this subchapter if, at  
12 the time of the transfer or declaration, the transferor, beneficiary or custodial trustee  
13 is a resident of or has its principal place of business in this state or custodial trust  
14 property is located in this state. The custodial trust remains subject to this  
15 subchapter despite a later change in residence or principal place of business of the  
16 transferor, beneficiary or custodial trustee, or removal of the custodial trust property  
17 from this state.

History: 1991 a. 246.

18 **SECTION 147.** 880.905 of the statutes is renumbered 54.988 and amended to  
19 read:

20 **54.988 Uniformity of application and construction.** ~~This subchapter~~  
21 Sections 54.950 to 54.988 <sup>✓</sup> shall be applied and construed to effectuate its general  
22 purpose to make uniform the law with respect to the subject of this subchapter  
23 among states enacting it.

History: 1991 a. 246.

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1           **SECTION 148. Nonstatutory provisions.**

2           (1) REVIEW OF ORDER; INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION.

3           For an individual who is subject to an order appointing a guardian under section  
4           880.33 (4m), 2003 stats., and to an order initially issued under section 880.33 (4r),  
5           2003 stats., that is in effect on the effective date of this subsection, the county  
6           department of the individual's county of residence shall, no later than 9 months after  
7           the effective date of this subsection, review the individual's status under the  
8           requirements of section 55.19 of the statutes, as created by this act.

9           (2) TRANSITION; INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION.

10          Notwithstanding the treatment of sections 880.07 (1m), 880.33 (2) (d), (4m), and (4r),  
11          and 880.34 (6) of the statutes by this act, all orders issued under section 880.33 (4m)  
12          and (4r), 2003 stats., in effect on the effective date of this subsection, remain in effect  
13          until modified or terminated by a court order under section 55.19 (3) (e) 2. or 3. of the  
14          statutes, as created by this act.

15          (3) COMPLIANCE BY FACILITIES WITH REQUIREMENTS FOR ADMINISTRATION OF

16          PSYCHOTROPIC MEDICATION. (a) The department of health and family services shall  
17          submit in proposed form the rules required under section 50.02 (2) (ad), as created  
18          in this act, to the legislative council staff under section 227.15 (1) of the statutes no  
19          later than the first day of the 4th month beginning after the effective date of this  
20          paragraph.

21          (b) Using the procedure under section 227.24 of the statutes, the department  
22          of health and family services may promulgate rules required under section 50.02 (2)  
23          (ad) of the statutes, as created by this act, for the period before the effective date of  
24          the rules submitted under paragraph (a), but not to exceed the period authorized

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under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health and family services is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

#### SECTION 149. Initial applicability.

(1) VENUE; COUNTY OF RESIDENCE; COUNTY OF RESPONSIBILITY. The treatment of sections 51.01 (4g), (4r), (14), (14t), 51.05 (2), 51.20 (13) (g) 4., 51.22 (4), 51.40 (title), (1) (e), (em), ~~hm~~ (hm), (j), and (m) and (2) (intro.), (a) 1. and 2., (b) (intro.), 1., 2. (Intro.), a., b., c., d., and g., (f), and (g) 1. and 6., 55.06 (3) (c) and (d), 880.05, 880.06 (title), (1), and (2), and 880.33 (2) (a) 3. of the statutes first applies to determinatins of the county of residence made on the effective date of this subsection.

(2) REQUIREMENTS FOR FINDING OF INCOMPETENCY AND APPOINTMENT OF GUARDIAN. The treatment of sections 46.977 (1) (a) <sup>and</sup> (2) (a), (b) 1., and (c) 2., 48.14 (2) (b) and (11), 48.345 (intro.), 48.347 (intro.), 48.62 (2), 48.831 (1) and (1m) (e), 48.977 (8) (title), (a), and (b), 48.978 (7) (title) and (a) <sup>and</sup> to (c), 50.03 (14) (c) 8. e., 50.06 (2) (c), 51.30 (4) (b) 8m. <sup>and</sup> 18. a. and c. and (5) (e), 51.40 (1) (f), 51.45 (2) (e) and (13) (c) and (e), chapter 54 (title), subchapter I (title) of chapter 54, 54.01 (title) and (intro.), (1), (4) to (8), (10) to (15), (17) (a) and (b), (18), (19), <sup>20</sup> (21), (23) to (27), (29), (30), (33), (35), (36), and (38), subchapter II (title) of chapter 54, 54.10, subchapter III (title) of chapter 54, 54.15 (2), (3), (4) (title), and (8), 54.25 (1) (title), (intro.) and (b) 1. to 5. <sup>3</sup> and (2), subchapter III (title) of chapter 54, 54.34 (1) (k) to (p), 54.36 (2) and <sup>3</sup> (3), 54.38 (title), (1), and (2) (b), 54.40 (4) (c), (d), (g), and (h), 54.42 (title), (1) (a) 1. to 3. <sup>3</sup> (b), (2), (3) (title), (5) <sup>and</sup> and (6), 54.44 (1) to (4) and (6), 54.46 (title), (intro.), (1), (2) (title), (intro.), (a) and (c), and

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under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health and family services is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

### SECTION 149. Initial applicability.

(1) VENUE; COUNTY OF RESIDENCE; COUNTY OF RESPONSIBILITY. The treatment of sections 51.01 (4g), (4r), (14), (14t), 51.05 (2), 51.20 (13) (g) 4., 51.22 (4), 51.40 (title), (1) (e), (em), ~~hm~~ (hm), (j), and (m) and (2) (intro.), (a) 1. and 2., (b) (intro.), 1., 2. (Intro.), a., b., c., d., and g., (f), and (g) 1. and 6., 55.06 (3) (c) and (d), 880.05, 880.06 (title), (1), and (2), and 880.33 (2) (a) 3. of the statutes first applies to determinatins of the county of residence made on the effective date of this subsection.

(2) REQUIREMENTS FOR FINDING OF INCOMPETENCY AND APPOINTMENT OF GUARDIAN. The treatment of sections 46.977 (1) (a) <sup>and</sup> (2) (a), (b) 1., and (c) 2., 48.14 (2) (b) and (11), 48.345 (intro.), 48.347 (intro.), 48.62 (2), 48.831 (1) and (1m) (e), 48.977 (8) (title), (a), and (b), 48.978 (7) (title) and (a) <sup>and</sup> to (c), 50.03 (14) (c) 8. e., 50.06 (2) (c), 51.30 (4) (b) 8m. <sup>and</sup> 18. a. and c. and (5) (e), 51.40 (1) (f), 51.45 (2) (e) and (13) (c) and (e), chapter 54 (title), subchapter I (title) of chapter 54, 54.01 (title) and (intro.), (1), (4) to ~~(8)~~ (10) to (15), (17) (a) and (b), (18), (19), ~~(21)~~ (23) to (27), (29), (30), (33), (35), (36), and (38), subchapter II (title) of chapter 54, 54.10, subchapter III (title) of chapter 54, 54.15 (2), (3), (4) (title), and (8), 54.25 (1) (title), (intro.) and (b) 1. to 5. <sup>and</sup> (2), subchapter <sup>IV</sup> III (title) of chapter 54, 54.34 (1) (k) to (p), 54.36 (2) and ~~(5)~~ <sup>3</sup> 54.38 (title), (1), and (2) (b), 54.40 (4) (c), (d), (g), and (h), 54.42 (title), (1) (a) 1. to 3. <sup>and</sup> (b), (2), (3) (title), (5), and (6), 54.44 (1) to (4) and (6), 54.46 (title), (intro.), (1), (2) (title), (intro.), (a) and (c), and

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1 (3) (c), subchapter V of chapter 54 (title), 54.60 (2) to (6), 55.06 (1) (a), 223.10, 243.07  
 2 (3) (b), 757.48 (1) (a), 814.66 (1) (b) 2. and (m), chapter 880 (title), subchapter I (title)  
 3 of chapter 880, 880.01 (intro.), (1) to (7), and (8) to (10), 880.02, 880.03, 880.04 (1),  
 4 880.05, 880.06 (title), (1), and (2), 880.07 (title), (1) (intro.), (a) to (j), (2), and (4),  
 5 880.08 (intro.), (2), (3) (title), (am) (intro.), and 1. to 4. and (e), and (4), 880.09 (intro.),  
 6 (2), and (4), 880.10, 880.12, 880.125, 880.13 (title), (1), (2) (title), (a), and (b), (3) to  
 7 (5), (5m), and (9), 880.331 (title), (1) to (3), (4) (intro.) and (a) to (f), (6) to (8), 880.35,  
 8 and 880.81 (7) of the statutes, the repeal of sections 880.075 (title), 880.08 (1) (title),  
 9 and 880.09 (1) (title), (3) (title), and (7) (title) of the statutes, and the renumbering of  
 10 sections 880.075, 880.08 (1), and 880.09 (1), (3), and (7) of the statutes first apply to  
 11 a petition for guardianship filed on the effective date of this subsection.

12 LPS: comma (3) EXCEPTIONS TO APPOINTMENT OF GUARDIAN. The treatment of sections 54.12  
 13 (1) (e) and (f) and 880.04 (title), (2), (2m), and (3) 814.61 (12) (a) 1., and 814.66 (1) (n) of  
 14 the statutes first applies to an action or proceeding pending on the effective date of  
 15 this subsection.

16 (4) STANDBY GUARDIANSHIP. The treatment of section 880.36 (title) and (1) of the  
 17 statutes first applies to a petition for appointment of a standby guardian filed on the  
 18 effective date of this subsection.

19 (5) SUCCESSOR GUARDIANSHIP. The treatment of section 880.17 of the statutes  
 20 first applies to a petition filed or motion brought on the effective date of this  
 21 subsection.

22 (6) ELIMINATION OF LIMITED GUARDIANSHIP OF PROPERTY. The treatment of  
 23 sections 6.03 (1) (a) and (3), 17.03 (6), 51.35 (7), 54.34 (1)(m), 55.06 (14), 155.60 (2),  
 24 706.03 (4), 880.215, and 880.37 of the statutes first applies to a procedure for

1 (3) (c), subchapter V of chapter 54 (title), 54.60 (2) to (6), 55.06 (1) (a), 223.10, 243.07  
 2 (3) (b), 757.48 (1) (a), 814.66 (1) (b) 2. and (m), chapter 880 (title), subchapter I (title)  
 3 of chapter 880, 880.01 (intro.), (1) to (7), and (8) to (10), 880.02, 880.03, 880.04 (1),  
 4 880.05, 880.06 (title), (1), and (2), 880.07 (title), (1) (intro.), (a) to (j), (2), and (4),  
 5 880.08 (intro.), (2), (3) (title), (am) (intro.), and 1. to 4. and (e), and (4), 880.09 (intro.),  
 6 (2), and (4), 880.10, 880.12, 880.125, 880.13 (title), (1), (2) (title), (a), and (b) (3) to  
 7 (5), (5m), and (9), 880.331 (title), (1) to (3), (4) (intro.) and (a) to (f), (6) to (8), 880.35,  
 8 and 880.81 (7) of the statutes, the repeal of sections 880.075 (title), 880.08 (1) (title),  
 9 and 880.09 (1) (title), (3) (title), and (7) (title) of the statutes, and the renumbering of  
 10 sections 880.075, 880.08 (1), and 880.09 (1), (3), and (7) of the statutes first apply to  
 11 a petition for guardianship filed on the effective date of this subsection.

12 LPS: comma (3) EXCEPTIONS TO APPOINTMENT OF GUARDIAN. The treatment of sections 54.12  
 13 (1) (e) and (f), 880.04 (title), (2), (2m), and (3), 814.61 (12) (a) 1., and 814.66 (1) (n) of  
 14 the statutes first applies to an action or proceeding pending on the effective date of  
 15 this subsection.

16 (4) STANDBY GUARDIANSHIP. The treatment of section 880.36 (title) and (1) of the  
 17 statutes first applies to a petition for appointment of a standby guardian filed on the  
 18 effective date of this subsection.

19 (5) SUCCESSOR GUARDIANSHIP. The treatment of section 880.17 of the statutes  
 20 first applies to a petition filed or motion brought on the effective date of this  
 21 subsection.

22 (6) ELIMINATION OF LIMITED GUARDIANSHIP OF PROPERTY. The treatment of  
 23 sections 6.03 (1) (a) and (3), 17.03 (6), 51.35 (7), 54.34 (1m), 55.06 (14), 155.60 (2),  
 24 706.03 (4), 880.215, and 880.37 of the statutes first applies to a procedure for

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**INSERT 69-8**

, subchapters I (title), II (title), III (title), IV (title), and V (title) of chapter 54,  
subchapter I (title) of chapter 880, and chapters 54 (title) and 880 (title)

1 appointment of a limited guardian that is conducted on the effective date of this  
2 subsection.

3 (7) TEMPORARY GUARDIANSHIP. The treatment of sections 50.94 (6), 54.50 (title),  
4 (1), and (3), and 880.15 (title), (1), (1m), (1s), (2), and (3) of the statutes first applies  
5 to petitions filed on the effective date of this subsection.

6 (8) POWER OF ATTORNEY FOR HEALTH CARE. The treatment of sections 155.05 (1),  
7 155.40 (2m), 155.60 (2), and 880.33 (3) and (8) (b) of the statutes first applies to the  
8 appointment of a guardian under section 54.46 (2) of the statutes, as created by this  
9 act, on the effective date of this subsection.

10 (9) DURABLE POWER OF ATTORNEY. The treatment of sections 54.46 (2) (c), 54.76  
11 (3) and (3g), and 243.07 (3) (a) and (b) and (7) (c) of the statutes first applies to the  
12 appointment of a guardian under section 54.46 (2) of the statutes, as created by this  
13 act, or to the appointment of a conservator under section 54.76 (2) of the statutes, as  
14 created by this act, on the effective date of this subsection.

15 (10) DUTIES AND POWERS OF GUARDIAN OF THE ESTATE. The treatment of sections  
16 54.18 (title) and (1) to (3) (intro.) and (b), 54.19 (title), (intro.), (2) to (6), (8), and (9),  
17 54.20 (title), (1) (a) to (c), (2) (title), (intro.), (a), (c) to (g), (i), and (j), (3) (title), (intro.),  
18 (a) to (e), and (k), 54.21, 880.173 (title), (1), and (2), 880.19 (title), (2) (title), (a) and  
19 (b), (4) (title), (a) to (c), and (5) (title) and (a) to (d), 880.191 (title), (1), and (2), 880.192,  
20 880.195, 880.21, 880.215, 880.22 (title), 880.24 (title), (1), (2), and (3) (title), (a)  
21 (intro.) and 1. to 4., and (b) of the statutes, the repeal of section 880.175 (title), 880.18  
22 (title), 880.19 (1) (title) and (3) (title), 880.22 (1) (title) and (2) (title), 880.23 (title) of  
23 the statutes, and the renumbering of section 880.175, 880.18, 880.19 (1) and (3),  
24 880.22 (1) and (2), and 880.23 of the statutes first apply to a guardianship of the  
25 estate in effect on the effective date of this subsection.



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(11) DUTIES AND POWERS OF GUARDIAN OF THE PERSON. The treatment of sections 54.18 (title) and (1), (2), and (3) (intro.) and (b), 54.25 (1) (title), (intro.) and (b) 1. to 5. and (2), 880.33 (9), and 880.38 (title) and (1) to (3) of the statutes first applies to a guardianship of the person in effect on the effective date of this subsection and to a petition for guardianship filed on the effective date of this subsection.

(12) NOTES AND MORTGAGES OF MINOR VETERANS. The treatment of section 880.32 of the statutes first applies to a note or mortgage executed on the effective date of this subsection. 51.20 (7) (d) 1. (intro.) of the statutes

(13) PSYCHOTROPIC MEDICATIONS. The treatment of sections 51.03 (3) (a) 6., 51.20 (7) (d) 1. (intro.), 54.01 (6), (28), and (30), 54.25 (2) (d) 2. a., 55.01 (1v), (6t), and (6v), 55.05 (2) (d), 55.06 (6), 55.14, 55.19, 609.65 (1) (intro.), 880.01 (2), (7m), and (8), 880.07 (1m), 880.33 (2) (d), (4m), and (4r), 880.34 (6), and 905.04 (4) (am) of the statutes and the repealing and renumbering and amendment of section 51.20 (7) (d) 1. a. and b. of the statutes first applies to petitions for involuntary administration of psychotropic medication that are filed on the effective date of this subsection.

(14) HUNTING, PATRON, AND GUIDE LICENSES. The treatment of sections 29.024 (2u), 29.161, 29.164 (3) (e), 29.171 (1), 29.173 (1), 29.182 (4m), 29.184 (6) (c) 1r. and 2., 29.231 (1), 29.235 (1), and 29.512 (1) of the statutes first applies to receipt by the department of natural resources of a declaration issued by a court that an individual is incapable of understanding the nature and risks of the licensed or credentialed activity.

(15) ACCOUNTS. The treatment of sections 54.62 (title), (3), (4), and (7) (a) to (c), 808.075 (4) (f) 80, 880.245, 880.25 (title) and (1) to (5), 880.252, and 880.253 of the statutes first applies to annual accounts that are due before April 15, 2006.

(16) EXPANSION OF ORDER OF GUARDIANSHIP. The treatment of section 54.63 of the statutes first applies to submittal of a written statement to the court on the effective date of this subsection.

(17) REVOCATION OR SUSPENSION OF LICENSES AND CREDENTIALS. The treatment of sections 343.06 (1) (L), 343.31 (title), (2x), and (3) (a), and 440.121 of the statutes first applies to receipt by an administrative agency of a record of a declaration on the effective date of this subsection.

(18) SETTLEMENTS AND JUDGMENTS. The treatment of sections 807.10 (title) and (1) to (3) of the statutes first applies to settlements or judgments made on the effective date of this subsection.

(19) REVIEW OF INCOMPETENCY AND TERMINATION OF GUARDIANSHIP. The treatment of sections 54.64 (2) (title), (a) 1. to 3., and (b), 880.26 (title), (1) (intro.) (a) to (c), (2) (intro.) and (a) to (d), and (3), 880.29, and 880.34 (title) and (1) to (5) of the statutes first applies to a petition for review of incompetency filed on the effective date of this subsection.

(20) REVIEW OF CONDUCT OF GUARDIAN. The treatment of sections 54.68 of the statutes first applies to commitment by a guardian of any action specified under section 54.68 (2) (a) to (j) of the statutes, as created by this act, on the effective date of this subsection.

(21) FINAL ACCOUNTS. The treatment of sections 54.66 (title) and (3), 808.075 (4) (f) 8., 880.25 (3), 880.27, and 880.28 of the statutes and the renumbering and amendment of 880.60 (10) (a) of the statutes first applies to the termination or the resignation, removal, or death of a guardian or the death of a ward on the effective date of this subsection.

(22) APPOINTMENT OF CONSERVATOR AND STANDBY CONSERVATOR. The treatment of

and subchapter VI of chapter 54 (title) and sections 54.01 (3), (32), and (34), 54.34 (1) (p),

54.46 (1) (b), 54.76 (title), (3g), (3m), and (3n), and (6) to (9), 243.07 (3) (a) to (c), 814.66

(1) (b) 2., 880.13 (3), 880.295, 880.31 (title) and (1) to (7), and 880.33 (8) (intro.) and

(a) of the statutes and the consolidation, renumbering, and amendment of sections

880.31 (1), and (7) and 880.31 (4), and (5) of the statutes first apply to an application

or petition for appointment of a conservator made on the effective date of this

subsection.

(23) TERMINATION OF CONSERVATORSHIP. The treatment of section 54.76 (6) to (9)

of the statutes first applies to commitment by a conservator of any action specified

under section 54.76 (6) (a) to (h) of the statutes, as created by this act, or appointment

of a guardian, death of a conservatee, or change of residence of a conservator or

conservatee on the effective date of this subsection.

(24) DEGENERATIVE BRAIN DISORDER. The treatment of section 51.01 (5) (a) of the

statutes first applies to a diagnosis of developmental disability made on the effective

date of this subsection.

(25) PROTECTIVE PLACEMENT OR PROTECTIVE SERVICES. The treatment of sections

55.05 (2) (d) and (6), 55.06 (1) (a), (3) (c) and (d), (6), and (8) (c), and 880.33 (7) of the

statutes first applies to a petition for protective placement or protective services filed

on the effective date of this subsection.

(26) REVIEW OF PROTECTIVE PLACEMENT OR PROTECTIVE SERVICES. The treatment

of sections 55.195 (7) and (9) and 880.331 (5) (intro.) and (a) to (g) of the statutes first

applies to a review of protective placement or of protective services conducted on the

effective date of this subsection.

the repeal of section 880.31 (title) of the statutes,  
the renumbering and amendment of sections 880.31 (2), (3), and (6) of the  
statutes,

1           **SECTION 150. Effective dates.** This act takes effect on the first day of the 7th  
2 month beginning after publication, except as follows:

3           (1) COMPLIANCE BY FACILITIES WITH REQUIREMENTS FOR ADMINISTRATION OF  
4 PSYCHOTROPIC MEDICATION. The treatment of SECTION ~~14/13~~ <sup># (5)</sup> of this act takes effect  
5 on the day after publication.

A.R. B  
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sections  
added ✓

CROSS REFERENCE  
&  
TRANSITION

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INSERT 3-4

SECTION 1. 6.03 (1) (a) of the statutes is amended to read:

6.03 (1) (a) Any person who is incapable of understanding the objective of the elective process or is under guardianship pursuant to the order of a court under ch. 880 ~~in this state~~, except that when a person is under limited guardianship, the court ~~may determine~~ <sup>has determined</sup> that the person is competent to exercise the right to vote;

History: 1973 c. 284; 1977 c. 26, 394; 1979 c. 110; 1991 a. 316; 2003 a. 121.

\*\*\*\*NOTE: Is it correct to retain mention of a limited guardianship? (The bill repeals s. 880.37, stats., but has other mention of limited guardianship.)

SECTION 2. 6.03 (3) of the statutes is amended to read:

6.03 (3) No person may be denied the right to register to vote or the right to vote by reason that the person is alleged to be incapable of understanding the objective of the elective process unless the person has been so adjudicated in a separate proceeding instituted for that purpose by an elector of the municipality in accordance with the procedures set forth in ch. 880 for determining incompetency incompetent in this state. If a determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made which does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian or ~~limited guardian~~ has been appointed as a result of any such determination, ~~then~~ no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 880.34 54.64.

History: 1973 c. 284; 1977 c. 26, 394; 1979 c. 110; 1991 a. 316; 2003 a. 121.

\*\*\*\*NOTE: Please see the \*\*\*\*NOTE under the treatment of s. 6.03 (1) (a), stats.

SECTION 3. 17.03 (6) of the statutes is amended to read:

1           17.03 (6) A competent tribunal voids the election or appointment; or adjudges  
2           the incumbent to be incapable of understanding the objective of the elective process;  
3           or places the incumbent under guardianship, ~~or under limited guardianship~~ unless  
4           the court finds that the incumbent is competent to exercise the right to vote.

History: 1971 c. 154; 1971 c. 304 s. 29 (1); 1979 c. 249; 1983 a. 484; 1985 a. 304, 312, 332; 1987 a. 391; 1989 a. 31, 241.

5           **SECTION 4.** 19.32 (1m) of the statutes is amended to read:

6           19.32 (1m) "Person authorized by the individual" means the parent, guardian,  
7           as defined in s. 48.02 (8), or legal custodian, as defined in s. 48.02 (11), of a child, as  
8           defined in s. 48.02 (2), the guardian, ~~as defined in s. 880.01 (3)~~, of an individual  
9           ~~adjudged~~ adjudicated incompetent, ~~as defined in s. 880.01 (4)~~ in this state, the  
10          personal representative or spouse of an individual who is deceased, or any person  
11          authorized, in writing, by the individual to exercise the rights granted under this  
12          section.

History: 1981 c. 335; 1985 a. 26, 29, 332; 1987 a. 305; 1991 a. 39, 1991 a. 269 ss. 26pd, 33b; 1993 a. 215, 263, 491; 1995 a. 158; 1997 a. 79, 94; 1999 a. 9; 2001 a. 16; 2003 a. 47.

#### INSERT 5-18

13          **SECTION 5.** 32.05 (4) of the statutes is amended to read:

14          32.05 (4) HOW NOTICE OF JURISDICTIONAL OFFER IS GIVEN. The giving of such  
15          notice is a jurisdictional requisite to a taking by condemnation. Such notice may be  
16          given by personal service in the manner of service of a circuit court summons, or it  
17          may be transmitted by certified mail. If service is by mail, service of the papers shall  
18          be deemed completed on the date of mailing and the use of mail service shall not  
19          increase the time allowed to act in answer to or in consequence of such service. If such  
20          owner or mortgagee is unknown or cannot be found there shall be published in the  
21          county wherein the property is located a class 1 notice, under ch. 985. If such owner  
22          is a minor, or an ~~incompetent person~~ individual adjudicated incompetent, the  
23          condemnor shall serve such notice upon the legal guardian of such the minor or

1 ~~incompetent individual~~, and if there is no such guardian the condemnor shall  
2 proceed under s. 32.15 to have a special guardian appointed to represent ~~such the~~  
3 minor or ~~incompetent individual in such the~~ proceeding. The reasonable fees of ~~such~~  
4 any special guardian as approved by the court shall be paid by the condemnor. ~~Such~~  
5 The notice shall be called the "jurisdictional offer". The condemnor shall file a lis  
6 pendens on or within 14 days of the date of service or mailing of the jurisdictional  
7 offer or within 14 days of the date of publication if publication is necessary. The lis  
8 pendens shall include a copy of the jurisdictional offer. From the time of such filing  
9 every purchaser or encumbrancer whose conveyance or encumbrance is not recorded  
10 or filed shall be deemed a subsequent purchaser or encumbrancer and shall be bound  
11 by the terms of the jurisdictional offer and it shall not be necessary to serve other  
12 jurisdictional offers on such subsequent purchaser or encumbrancer. In the award  
13 the condemnor may name and make payment to parties who were owners or  
14 mortgagees at the time of the filing of the lis pendens unless subsequent purchasers  
15 or encumbrancers give written notice to the condemnor of their subsequently  
16 acquired interests in which event such parties shall be named in the award as their  
17 interests may appear.

**History:** 1971 c. 244, 287, 307; 1973 c. 244; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1975 c. 218, 311, 410, 421; 1977 c. 29, 203, 338; 1977 c. 418 ss. 259, 924 (8m); 1977 c. 438, 440, 447, 449; 1979 c. 310; 1981 c. 282 s. 47; 1981 c. 390 s. 252; 1983 a. 27; 1983 a. 219 ss. 3, 46; 1983 a. 236 s. 13; 1983 a. 249; 1985 a. 29 s. 3200 (51); 1985 a. 135; 1987 a. 378; 1989 a. 31, 89; 1991 a. 32, 39, 316; 1993 a. 246, 263, 301, 453, 491; 1995 a. 417; 1997 a. 184, 282; 1999 a. 32, 65; 1999 a. 150 s. 672; 1999 a. 186; 2003 a. 214.

\*\*\*~~NOTE:~~ Should reference in ch. 54 be made to the "special guardian" mentioned in this provision?

18 **SECTION 6.** 32.06 (4) of the statutes is amended to read:

19 32.06 (4) RIGHT OF MINORS AND ~~INCOMPETENTS~~ INDIVIDUALS ADJUDICATED  
20 INCOMPETENT. If any person having an ownership interest in the property proposed

1 to be condemned is a minor or ~~an~~ is adjudicated incompetent person, a special  
2 guardian shall be appointed for the person pursuant to s. 32.05 (4).

History: 1973 c. 244; 1975 c. 68, 410, 422; 1977 c. 29; 1977 c. 187 s. 134; 1977 c. 438, 440, 447, 449; 1979 c. 37; 1979 c. 110 s. 60 (13); 1981 c. 390; 1983 a. 27; 1983 a. 219 ss. 4, 46; 1983 a. 236 s. 13; 1983 a. 302 s. 8; 1985 a. 316 s. 25; 1987 a. 378; 1991 a. 39, 316; 1993 a. 184; 1997 a. 204.

3 **SECTION 7.** 32.06 (7) of the statutes is amended to read:

4 32.06 (7) PETITION FOR CONDEMNATION PROCEEDINGS. If the jurisdictional offer  
5 is not accepted within the periods limited in sub. (6) or the owner fails to consummate  
6 an acceptance as provided in sub. (6), the condemnor may present a verified petition  
7 to the circuit court for the county in which the property to be taken is located, for  
8 proceedings to determine the necessity of taking, where such determination is  
9 required, and the amount of just compensation. The petition shall state that the  
10 jurisdictional offer required by sub. (3) has been made and rejected; that it is the  
11 intention of the condemnor in good faith to use the property or right therein for the  
12 specified purpose. It shall name the parties having an interest of record in the  
13 property as near as may be and shall name the parties who are minors ~~or persons of~~  
14 ~~unsound mind, who are adjudicated incompetent, or whose location is unknown.~~ The  
15 petition may not disclose the amount of the jurisdictional offer, and if it does so it is  
16 a nullity. The petition shall be filed with the clerk of the court. Notice of the petition  
17 shall be given as provided in s. 32.05 (4) to all persons having an interest of record  
18 in the property, including the special guardian appointed for minors or individuals  
19 adjudicated incompetent persons. A lis pendens shall be filed on the date of filing  
20 the petition. The date of filing the lis pendens is the "date of evaluation" of the  
21 property for the purpose of fixing just compensation, except that if the property is to  
22 be used in connection with the construction of a facility, as defined under s. 196.491  
23 (1), the "date of evaluation" is the date that is 2 years prior to the date on which the  
24 certificate of public convenience and necessity is issued for the facility. The hearing



1 on the petition may not be earlier than 20 days after the date of its filing unless the  
2 petitioner acquired possession of the land under s. 32.12 (1) in which event this  
3 hearing is not necessary. If the petitioner is entitled to condemn the property or any  
4 portion of it, the judge immediately shall assign the matter to the chairperson of the  
5 county condemnation commissioners for hearing under s. 32.08. An order by the  
6 judge determining that the petitioner does not have the right to condemn or refusing  
7 to assign the matter to the chairperson of the county condemnation commissioners  
8 may be appealed directly to the court of appeals.

**History:** 1973 c. 244; 1975 c. 68, 410, 422; 1977 c. 29; 1977 c. 187 s. 134; 1977 c. 438, 440, 447, 449; 1979 c. 37; 1979 c. 110 s. 60 (13); 1981 c. 390; 1983 a. 27; 1983 a. 219 ss. 4, 46; 1983 a. 236 s. 13; 1983 a. 302 s. 8; 1985 a. 316 s. 25; 1987 a. 378; 1991 a. 39, 316; 1993 a. 184; 1997 a. 204.

9 **SECTION 8.** 32.075 (3) (b) of the statutes is amended to read:

10 32.075 (3) (b) If the person is a minor or an individual adjudicated incompetent,  
11 the notice under par. (a) shall be to the special guardian appointed for ~~the person~~ him  
12 or her. The notice under par. (a) shall state that the person, or, if the person is  
13 deceased, the person's heirs, may petition the circuit court of the county in which the  
14 property is located, within 90 days after receipt of the notice, for an order to require  
15 the public utility to return the interest in the property to the petitioner. The circuit  
16 court shall grant the petition and shall make a formal order returning the  
17 petitioner's interest in the property. The order shall operate to divest any title of the  
18 public utility to the property subject to the petition and to automatically discharge  
19 any lis pendens filed in relation to the condemnation of the property.

**History:** 1979 c. 110; 1983 a. 236 s. 12; 1983 a. 338, 538; 1993 a. 496; 1997 a. 204.

20 **SECTION 9.** 32.22 (6) (b) of the statutes is amended to read:

21 32.22 (6) (b) If any owner is a minor or an individual adjudicated incompetent  
22 ~~person~~, a special guardian shall be appointed under s. 32.05 (4).

**History:** 1979 c. 37; 1983 a. 219 s. 46; 1983 a. 236 s. 13; 1989 a. 347; 1993 a. 246; 1997 a. 79; 1999 a. 150 s. 672.

23 **SECTION 10.** 32.64 of the statutes is repealed.

\*\*\*\*NOTE: I have repealed this provision because it seems unnecessary; anyone can, under s. 54.34, petition for guardianship. Also, because "incompetent" is not, under the bill, separately defined, it does not work logically to refer to an "individual found incompetent" under this provision. oh

1           **SECTION 11.** 36.27 (2) (a) 5. of the statutes is amended to read:

2           36.27 (2) (a) 5. Any minor student under guardianship in this state pursuant  
3     ~~to ch. 48 or 880~~ whose legal guardian has been a bona fide resident of this state for  
4     at least 12 months next preceding the beginning of any semester or session for which  
5     such student registers at an institution.

History: 1973 c. 333 ss. 68g, 68k, 201f (2); 1973 c. 335; 1975 c. 39, 199; 1977 c. 29; 1981 c. 20; 1983 a. 407; 1985 a. 51, 192; 1987 a. 399; 1989 a. 31 ss. 709p to 710, 2908; 1989 a. 67, 181, 359; 1991 a. 39, 168, 169; 1993 a. 16; 1995 a. 27, 228; 1997 a. 27, 163, 237; 1999 a. 9, 130, 154, 186; 2001 a. 16, 38; 2003 a. 33 ss. 936, 9160; 2003 a. 42, 185, 320.

6           **SECTION 12.** 40.08 (9) of the statutes is amended to read:

7           40.08 (9) PAYMENTS OF BENEFITS TO MINORS AND ~~INCOMPETENTS~~ INDIVIDUALS FOUND  
8     INCOMPETENT. In any case in which a benefit amount becomes payable to a minor or  
9     to <sup>✓</sup>~~a person adjudged mentally~~ an individual adjudicated incompetent, the  
10    department may waive guardianship proceedings, and pay the benefit to the person  
11    providing for or caring for the minor, or to the spouse ~~or the~~, parent, or other relative  
12    by blood or adoption providing for or caring for the individual adjudicated  
13    incompetent ~~person~~.

History: 1981 c. 96, 391; 1983 a. 290; 1985 a. 182 s. 57; 1987 a. 309; 1989 a. 31, 218; 1991 a. 141, 152; 1995 a. 302, 414; 1997 a. 35, 110, 125, 191, 237; 1999 a. 162; 2001 a. 61; 2003 a. 320.

14          **SECTION 13.** 40.08 (9m) of the statutes is amended to read:

15          40.08 (9m) GUARDIANS. An application for a benefit, a designation of a  
16    beneficiary or any other document which has a long-term effect on a person's rights  
17    and benefits under this chapter and which requires a signature may be signed and  
18    filed by a guardian of the estate when accompanied by a photocopy or facsimile of an  
19    order of guardianship issued by a circuit court judge or a register in probate or a  
20    circuit court commissioner who is assigned the authority to issue such orders under  
21    s. 851.73 (1) (g).

\*\*\*\*NOTE: Please review this provision very carefully, is it in conflict with the definition of "court" under s. 54.01 (4)? Please also carefully review s. 851.73 (1) (g), stats. Should any change be made to this provision or to s. 851.73 (1) (g), stats.?

BA will check

History: 1981 c. 96, 391; 1983 a. 290; 1985 a. 182 s. 57; 1987 a. 309; 1989 a. 31, 218; 1991 a. 141, 182; 1995 a. 302, 414; 1997 a. 35, 110, 125, 191, 237; 1999 a. 162; 2001 a. 61; 2003 a. 320.

**SECTION 14.** 45.36 (1) (b) of the statutes is amended to read:

45.36 (1) (b) "Duly authorized representative" means any person authorized in writing by the veteran to act for the veteran, or a legally constituted representative if the veteran is adjudicated incompetent or deceased. Where for proper reason no representative has been or will be appointed, the veteran's spouse, an adult child, or, if the veteran is unmarried, either parent shall be recognized as the duly authorized representative.

History: 1971 c. 198; 1983 a. 189; 1985 a. 29 s. 3200 (23); 1987 a. 403 s. 255; 1989 a. 31, 56; 1995 a. 27; 2001 a. 103.

**INSERT 5-20A**

**SECTION 15.** 46.27 (1) (e) of the statutes is amended to read:

46.27 (1) (e) "Voluntary" means according to ~~a~~ <sup>✓</sup> person's an individual's free choice, if competent, or by choice of ~~a~~ <sup>✓</sup> his or her guardian, if the individual is adjudicated incompetent.

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33.

**SECTION 16.** 46.977 (1) (a) of the statutes is amended to read:

46.977 (1) (a) "Guardian" has the meaning ~~provided~~ <sup>✓</sup> given in s. ~~880.01 (3)~~ <sup>✓</sup> 54.01

History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

**SECTION 17.** 46.977 (2) (a) of the statutes is amended to read:

46.977 (2) (a) Annually, prior to April 30, an organization may apply to the department for a grant under this section for the purpose of recruiting, training, monitoring and assisting guardians for ~~persons determined to be~~ individuals found incompetent under ch. ~~880~~ <sup>✓</sup> 54. By June 30, the department shall determine which organizations will receive a grant during the following fiscal year based on the criteria under par. (c). No grant may be awarded unless the applicant provides

1 matching funds equal to 10% of the amount of the award. The department shall  
2 make grants under this section from the appropriation under s. 20.435 (7) (cg).

3 History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

**SECTION 18.** 46.977 (2) (b) 1. of the statutes is amended to read:

4 46.977 (2) (b) 1. Recruit individuals or organizations to act as guardians for  
5 ~~persons determined to be~~ individuals found incompetent under ch. 880 <sup>✓</sup>54.<sup>✓</sup>

6 History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

**SECTION 19.** 46.977 (2) (c) 2. of the statutes is amended to read:

7 46.977 (2) (c) 2. The extent to which the proposed program will effectively  
8 recruit, train, monitor and assist guardians for ~~persons determined to be~~ individuals  
9 found incompetent under ch. 880 <sup>✓</sup>54.<sup>✓</sup>

10 History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

**SECTION 20.** 48.14 (2) (b) of the statutes is amended to read:

11 48.14 (2) (b) The appointment and removal of a guardian of the person for a  
12 child under ss. 48.427, 48.428, 48.43, 48.831, 48.832, 48.839 (4) (a), 48.977, and  
13 48.978 and ch. <sup>✓</sup>880 <sup>✓</sup>54 and for a child found to be in need of protection or services  
14 under s. 48.13 because the child is without parent or guardian.

15 History: 1975 c. 430; 1977 c. 354, 449; 1979 c. 32 s. 92 (2); 1979 c. 300; 1979 c. 330 ss. 3, 13; 1981 c. 81 ss. 5, 33; 1985 a. 50; 1989 a. 161; 1993 a. 318; 1995 a. 38, 77, 275; 1997 a. 164, 292, 334.

**SECTION 21.** 48.14 (11) of the statutes is amended to read:

16 48.14 (11) Granting visitation privileges under s. <sup>✓</sup>880.155 <sup>✓</sup>54.56.

17 History: 1975 c. 430; 1977 c. 354, 449; 1979 c. 32 s. 92 (2); 1979 c. 300; 1979 c. 330 ss. 3, 13; 1981 c. 81 ss. 5, 33; 1985 a. 50; 1989 a. 161; 1993 a. 318; 1995 a. 38, 77, 275; 1997 a. 164, 292, 334.

**SECTION 22.** 48.345 (intro.) of the statutes is amended to read:

18 **48.345 Disposition of child or unborn child of child expectant mother**  
19 **adjudged in need of protection or services.** (intro.) If the judge finds that the  
20 child is in need of protection or services or that the unborn child of a child expectant  
21 mother is in need of protection or services, the judge shall enter an order deciding one  
22 or more of the dispositions of the case as provided in this section under a care and  
23 treatment plan, except that the order may not place any child not specifically found

under chs. 46, 49, 51, <sup>✓</sup>54, or <sup>✓</sup>115 ~~and 880~~ to be developmentally disabled, mentally ill, or to have a disability specified in s. 115.76 (5) in facilities ~~which~~ that exclusively treat those categories of children, and the court may not place any child expectant mother of an unborn child in need of protection or services outside of the child expectant mother's home unless the court finds that the child expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The dispositions under this section are as follows:

History: 1971 c. 125; 1977 c. 354; 1979 c. 300; 1987 a. 285; 1989 a. 31, 107; 1993 a. 363, 377, 385, 491; 1995 a. 27; 1995 a. 77 ss. 235 to 237, 239, 241, 249, 250, 257 to 263; 1995 a. 225, 448; 1997 a. 27, 80, 164, 292; 1999 a. 9, 149; 2001 a. 59, 69.

**SECTION 23. 48.347 (intro.)** of the statutes is amended to read:

**48.347 Disposition of unborn child of adult expectant mother adjudged in need of protection or services.** (intro.) If the judge finds that the unborn child of an adult expectant mother is in need of protection or services, the judge shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan, except that the order may not place any adult expectant mother of an unborn child not specifically found under ch. 51, <sup>✓</sup>54, or <sup>✓</sup>55 ~~or 880~~ to be developmentally disabled or mentally ill in a facility ~~which~~ that exclusively treats those categories of individuals, and the court may not place any adult expectant mother of an unborn child in need of protection or services outside of the adult expectant mother's home unless the court finds that the adult expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. If the judge finds that the unborn child of a child expectant mother is in need of protection or

1 services, the judge shall enter an order deciding one or more of the dispositions of the  
2 case as provided in s. 48.345 under a care and treatment plan. The dispositions  
3 under this section are as follows:

History: 1997 a. 292.

4 **SECTION 24.** 48.62 (2) of the statutes is amended to read:

5 48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a),  
6 or a guardian of a child, who provides care and maintenance for a child, is not  
7 required to obtain the license specified in this section. The department, county  
8 department, or licensed child welfare agency as provided in s. 48.75 may issue a  
9 license to operate a foster home or a treatment foster home to a relative who has no  
10 duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster  
11 home or treatment foster home for a specific child who is either placed by court order  
12 or who is the subject of a voluntary placement agreement under s. 48.63. The  
13 department, a county department, or a licensed child welfare agency may, at the  
14 request of a guardian appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003  
15 stats., license the guardian's home as a foster home or treatment foster home for the  
16 guardian's minor ward who is living in the home and who is placed in the home by  
17 court order. Relatives with no duty of support and guardians appointed under s.  
18 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster  
19 homes or treatment foster homes are subject to the department's licensing rules.

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67;  
1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69.

20 **SECTION 25.** 48.831 (1) of the statutes is amended to read:

21 48.831 (1) TYPE OF GUARDIANSHIP. This section may be used for the appointment  
22 of a guardian of a child who does not have a living parent if a finding as to the  
23 adoptability of a child is sought. Except as provided in ss. 48.977 and 48.978, ch. 880  
24 54 applies to the appointment of a guardian for a child who does not have a living

parent for all other purposes. An appointment of a guardian of the estate of a child who does not have a living parent shall be conducted in accordance with the procedures specified in ch. 880 54.

History: 1989 a. 161; 1995 a. 73, 275; 1997 a. 27, 334.

**SECTION 26.** 48.831 (1m) (e) of the statutes is amended to read:

48.831 (1m) (e) A guardian appointed under ch. 54 or ch. 880, 2003 stats., whose resignation as guardian has been accepted by a court under s. 54.54 (1) or s. 880.17 (1), 2003 stats.

History: 1989 a. 161; 1995 a. 73, 275; 1997 a. 27, 334.

**SECTION 27.** 48.977 (8) of the statutes is amended to read:

48.977 (8) (title) RELATIONSHIP TO CH. 54 AND CH. 880, 2003 stats. (a) This section does not abridge the duties or authority of a guardian appointed under ch. 54 or ch. 880, 2003 stats.

(b) Nothing in this section prohibits an individual from petitioning a court under ch. 880 54 for appointment of a guardian.

History: 1995 a. 275; 1997 a. 27, 35, 80, 237; 1999 a. 133; 2001 a. 2, 109.

**SECTION 28.** 48.978 (7) of the statutes is amended to read:

48.978 (7) (title) RELATIONSHIP TO CH. 880 54. (a) Except when a different right, remedy or procedure is provided under this section, the rights, remedies, and procedures provided in ch. 880 54 shall govern a standby guardianship created under this section.

(b) This section does not abridge the duties or authority of a guardian appointed under ch. 54 or ch. 880, 2003 stats.

(c) Nothing in this section prohibits an individual from petitioning a court for the appointment of a guardian under ch. 880 54.

History: 1997 a. 334.

**SECTION 29.** 49.001 (8) of the statutes is amended to read:

49.001 (8) "Voluntary" means according to ~~a person's~~ an individual's free choice, if competent, or by choice of ~~a~~ <sup>✓</sup> his or her guardian if the individual is adjudicated incompetent.

History: 1995 a. 27 ss. 2639, 2644, 2654 to 2666, 3083; 1995 a. 289; 1997 a. 3.

**SECTION 30.** 49.498 (3) (a) 1. of the statutes is amended to read:

49.498 (3) (a) 1. The right to choose a personal attending physician, to be fully informed in advance about care and treatment, to be fully informed in advance of any changes in care or treatment that may affect the resident's well-being, and, except with respect to a resident ~~found~~ who is adjudicated incompetent ~~under s. 880.33 in this state,~~ <sup>✓</sup> to participate in planning care and treatment or changes in care and treatment.

History: 1989 a. 31; 1991 a. 32, 39; 1993 a. 16; 1995 a. 27, 407; 1997 a. 27; 1999 a. 22; 2003 a. 33.

**SECTION 31.** 49.498 (3) (c) of the statutes is amended to read:

49.498 (3) (c) For a resident who is ~~found~~ adjudicated incompetent ~~under s. 880.33 in this state,~~ <sup>✓</sup> the rights of a resident under this subsection devolve upon and, to the extent determined necessary by a court of competent jurisdiction, are exercised by the resident's guardian ~~appointed under s. 880.33.~~ <sup>✓</sup>

History: 1989 a. 31; 1991 a. 32, 39; 1993 a. 16; 1995 a. 27, 407; 1997 a. 27; 1999 a. 22; 2003 a. 33.

## INSERT 9-12A

**SECTION 32.** 50.03 (14) (c) 8. e. of the statutes is amended to read:

50.03 (14) (c) 8. e. A list of the residents whom the facility believes to ~~be~~ <sup>✓</sup> incompetent meet the requirements of s. 54.10 (3).

History: 1975 c. 413; 1977 c. 29, 170, 205, 272, 418, 447; 1979 c. 221; 1981 c. 20, 72, 121; 1981 c. 314 s. 146; 1985 a. 29 ss. 1058, 3202 (56) (a); 1985 a. 176; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (3); 1987 a. 27, 127, 399; 1989 a. 31, 359; 1991 a. 39, 221; 1993 a. 27, 112, 375, 491; 1995 a. 27 ss. 3227 to 3232, 9126 (19); 1997 a. 27, 114; 2001 a. 16; 2003 a. 33.

**SECTION 33.** 50.06 (2) (intro.) of the statutes is amended to read:

50.06 (2) (intro.) An individual under sub. (3) may consent to admission, directly from a hospital to a facility, of an incapacitated individual who does not have



1 a valid power of attorney for health care and who has not been adjudicated  
2 incompetent ~~under ch. 880~~ in this state, if all of the following apply:

History: 1993 a. 187; 1999 a. 9.

3 **SECTION 34.** 50.06 (2) (c) of the statutes is amended to read:

4 50.06 (2) (c) A petition for guardianship for the individual under s. ~~880.07~~ 54.34  
5 and a petition for protective placement of the individual under s. 55.06 (2) are filed  
6 prior to the proposed admission.

History: 1993 a. 187; 1999 a. 9.

7 **SECTION 35.** 50.09 (3) of the statutes is amended to read:

8 50.09 (3) If the resident is ~~adjudged to be~~ adjudicated incompetent ~~under ch.~~  
9 ~~51 or 880~~ in this state and not restored to legal capacity, the rights and  
10 responsibilities established under this section which the resident is not competent  
11 to exercise shall devolve upon the resident's guardian.

History: 1975 c. 119, 199; 1977 c. 170 s. 33; Stats. 1977 s. 50.09; 1979 c. 175, 221; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1997 a. 27, 114, 175.

\*\*\*NOTE: I struck "51 or" as well as the cross reference to ch. 880; the reference to  
ch. 51 appears to be an inaccuracy.

12 **SECTION 36.** 50.94 (2) (intro.) of the statutes is amended to read:

13 50.94 (2) (intro.) A person who is determined to be incapacitated under the  
14 requirements of sub. (8), does not have a valid living will or valid power of attorney  
15 for health care, and has not been adjudicated incompetent ~~under ch. 880~~ in this state  
16 may be admitted to a hospice under this section only if all of the following  
17 requirements are met:

History: 1999 a. 9.

18 **SECTION 37.** 50.94 (6) of the statutes is amended to read:

19 50.94 (6) A person who disagrees with a hospice decision made under this  
20 section may apply under ~~ch. 880~~ s. 54.50 for temporary guardianship of the person  
21 who is incapacitated. In applying for the temporary guardianship, such a person has

1 the burden of proving that the person who is incapacitated would not have consented  
2 to admission to a hospice or hospice care.

History: 1999 a. 9.

**INSERT 9-12C**

**SECTION 38.** 51.03 (3) (a) 6. of the statutes is amended to read:

51.03 (3) (a) 6. The number of persons authorized to consent to involuntary  
administration of psychotropic medication under s. 55.14 (8) or for whom guardians  
are were appointed under s. 880.33 (4m), 2003 stats.

History: 1975 c. 430; 1989 a. 336; 1995 a. 292; 1999 a. 9.

\*\*\*NOTE: I have included the former reference, because DHFS may want the total number, not just those after passage of the bill.

**SECTION 39.** 51.10 (8) of the statutes is amended to read:

51.10 (8) An adult for whom a guardian of the person has been appointed ~~under~~  
~~ch. 880~~ in this state because of the subject's incompetency may be voluntarily  
admitted to an inpatient treatment facility under this section only if the guardian  
and the ward consent to such admission.

History: 1975 c. 430; 1977 c. 354, 428, 447; 1979 c. 336; 1985 a. 29 s. 3200 (56); 1985 a. 139, 176, 332; 1987 a. 366; 1995 a. 292; 2001 a. 61.

**SECTION 40.** 51.20 (7) (d) 1. (intro.) of the statutes is renumbered 51.20 (7) (d)

1. and amended to read:

51.20 (7) (d) 1. If the court determines after hearing that there is probable cause  
to believe that the subject individual is a fit subject for guardianship and protective  
placement or services, the court may, without further notice, appoint a temporary  
guardian for the subject individual and order temporary protective placement or  
services under ch. 55 for a period not to exceed 30 days, and shall proceed as if  
petition had been made for guardianship and protective placement or services. If the  
court orders only temporary protective services for a subject individual under this  
paragraph, the individual shall be provided care only on an outpatient basis. The  
court may order involuntary administration of psychotropic medication as a